

REMARKS/ARGUMENTS

The Office has required restriction in the present application as follows: the patentably distinct species of 1) the polymer of (i) and 2) the polymer of (ii). Applicant elects with traverse species 1) the polymer of (i).

Applicant makes no statement regarding the patentable distinctness of the species, but note for the restriction to be proper, there must be a patentable distinction difference between the species as claimed. M.P.E.P. §808.01(a).

Applicant respectfully traverses the election of species requirement on the grounds that the Office has not provided any reasons and/or examples to support a conclusion that the species are patentably distinct. Accordingly Applicant respectfully submits that the restriction is improper and Applicant's election of species is for examination purposes only.

Moreover the M.P.E.P. in section 803 states as follows:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on its merits, even though it includes claims to distinct and independent inventions.

Applicant respectfully submits that a search of all the claims would not impose a serious burden on the Office.

Finally, with respect to the elected species, Applicant respectfully submits that should the elected species be found allowable the Office expand its search to the non-elected species.

Accordingly, and for the reasons presented above, Applicant submits that the Office has failed to meet the burden necessary in order to sustain the election of species requirement. Withdrawal of the election of the species requirement is respectfully requested.

Application No. 10/810,695
Reply to Office Action of May 23, 2006.


Applicant respectfully submits that the above-identified application is now in
condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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(OSMMN 03/06)



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